

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

JOEL WALLENDER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 3:05-cv-263-JKS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
_____	)	

**PROPOSED ORDER**

The court has considered the United States' Motion to Dismiss All Claims as well as plaintiff Joel Wallender's opposition thereto.

WHEREAS the plaintiff has stated a claim upon which relief may be granted;  
and

WHEREAS the defendant has failed to meet its burden of proof under Fed. R. Civ. P. 12 (b) (6);

THE COURT THEREFORE ORDERS that the United States Motion to Dismiss All Claims is denied.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Honorable James K. Singleton  
Federal District Court Judge